

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

TUBBY'S #14, LTD., et al,

CASE NO. 04-70918

Plaintiffs,

v.

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

TUBBY'S SUB SHOPS, INC., et al,

Defendants,

**OPINION AND ORDER GRANTING DEFENDANTS' MOTION TO STRIKE A
PORTION OF PLAINTIFFS' AMENDED RESPONSE TO DEFENDANTS' MOTION
FOR REHEARING (DOCK. NO. 112)**

Now before the Court is Defendants' Amended Motion for to Strike a Portion of Plaintiffs' Amended Response to Defendants' Motion for Reconsideration.

Plaintiffs argue that the Individual Defendants should remain under a "piercing the corporate veil" theory. The Court finds that Plaintiffs are attempting to raise an argument that they failed to address in their own Motion for Reconsideration. Additionally, the challenged portion of Plaintiffs' Amended Response does address any part of Defendants' Motion for Reconsideration.

Accordingly, the Court GRANTS Defendants' Motion to Strike a Portion of Plaintiffs' Amended Response to Defendants' Motion for Reconsideration. The Court hereby strikes the second paragraph under the section "8. Releases," beginning on page four of Plaintiffs' Response, through the end of Plaintiffs' Response.

SO ORDERED.

s/Paul D. Borman

PAUL D. BORMAN

UNITED STATES DISTRICT JUDGE

Dated: February 1, 2007

CERTIFICATE OF SERVICE

Copies of this Order were served on the attorneys of record by electronic means or U.S. Mail on February 1, 2007.

s/Denise Goodine

Case Manager